

**PLANNING BOARD MEETING MINUTES
TUESDAY, SEPTEMBER 20, 2005**

MEMBERS PRESENT: Jeremy Daly, Chair
Paula Caron
John DiPasquale
Mike Hurley
Nancy Maynard
Dean Tran
Yvette Cooks (associate member)
Paul Fontaine, Jr. (associate member)

MEMBERS ABSENT: Jay Cruz

PLANNING OFFICE: Mike O'Hara

Call to Order

Meeting called to order at 6:00 p.m. in the Veteran's Room, First Floor, City Hall.

Communications

Board reviewed correspondence received, hearing notices, etc.

Miscellaneous items

Premier Box, 245 River St. - sending letter to applicant informing them Board will consider whether to revoke special permit because of back taxes issue.

Meeting Minutes

A motion was made and seconded to approve the corrected drafted minutes of the August 16th & 26th meetings with corrections. Vote unanimous to approve.

ANR plans

The Board reviewed and endorsed the following "ANR" plans:

Princeton Rd., Old Princeton Rd., Fifth Mass. Tpk., Newark Group, Inc., Martin

Lot 1 (12.2 acre) FiberMark mill at 44 Princeton Road to be split off. Remainder (22 acre Parcel 2) has enough frontages on Princeton Road but due to slope from Princeton Road, not intended to be a building lot. Note on plan: "Parcel 2 is not to be considered a building lot until a means of physical access from Princeton Road is provided."

Central Ave., Pierce

Parcel owned by Martin. Three frontage lots to be split off fronting on Central Avenue. Sewer will have to be extended to make them buildable lots.

Intervale Rd, Zichelle Realty, LLC

Revision of plan endorsed in Feb. 2005 to make a slightly larger Lot 1.

PUBLIC HEARINGS

Special Permit - Bilotta, Milton St./Smith St., Planned Unit Development **(postponed from 7-19-05)**

Discussion on which members were present at previous hearings & which can vote. The six regular members present (not Mr. Cruz) and associate member Mr. Fontaine can vote.

Discussion on Atty. Erb's letter 8-18-05 regarding Gale Street and who has right to improve paper street. City Solicitor has reviewed letter and stated that applicant appears to have right to make improvements to the paper street. But City cannot give permission because city not owner. Bilotta will need to get permission from whoever else has a property interest in the street. Not the City's place to agree w/ Atty. Erb's position on record and possibly become a defendant in a suit by someone who disagrees.

Mr. Bilotta presented a couple of alternative plans - two buildings of three units each with access from Smith & Gale Streets. Also discussed was an option of access via Milton St. thru to Smith & Gale Streets.

Public Comment:

Richard O'Connell, 61 Hancock St. - safety is still a concern. Also need buffer from substation. Worked for the phone co. for many years. Understands need for buffer.

Mr. Daly - what could developer do to make it safer?

Scott Hay, 41 Clyde St.: Complained about no notice mailed to abutters. There are fewer neighbors here tonight.

There is discrepancy in the acreage figure for site between Assessors Office and the submitted site plan. The deed to FG&E refers to "land to remain kept open"

Bilotta: But FG&E gave up that right.

Mr. Hay: Single-story ranches don't fit in with style of neighborhood. Bilotta should be responsible for making sure abutter receives no runoff from site.

Mr. DiPasquale: Is there more room for buffer in alternative plan? Yes.

Bilotta also could do common driveway from Milton St. extended.

Mr. Daly: is it possible to leave as many trees as possible?

Bilotta - OK with idea of leaving trees, but may need to take down some -- keep trees on perimeter of parcel.

Mr. Hay: would like to see as many trees kept as possible.

Mr. Hay raised issue of potential conflict of interest because Bilotta's business relationship w/ Paul Fontaine, Sr.

Paul, Jr. stated he was aware that his father met with Bilotta. Did not see site plan until he rec'd in Planning Board packet. He doesn't feel that there is a conflict.

Bilotta: his goal is to create good project & win support from neighbors.

Hearing closed.

Motion made (Ms. Maynard) & seconded (Mr. Fontaine) to grant Special Permit for six units in general conformance with the Plan "B" as submitted and discussed at the 9-20 Planning Board meeting, subject to conditions:

- One 3-unit bldg w/ access from Smith St.
- One 3-unit bldg w/ access Gale St.

- Subject to Site Plan Review.
- Retain on-site vegetation as much as possible
- Design to be single-floor style
- Subject to approval of departments
- Units to be sprinklered.

Vote 6-1 to approve Special Permit.

Special Permit - Martineau, Benoit St., infill lot (cont'd from 7-19-05)

Request rec'd from Atty. Watts to withdraw Special Permit application without prejudice. Ms. Lawrence (abutter) purchased parcel from applicant on 9-15-05. Motion made & seconded to accept request to withdraw without prejudice. Vote unanimous.

Special Permit - Wachusett Development, West St./Sheldon St., PUD (postponed from 6-21-05)

Letter received from applicant requesting to withdraw Special Permit application without prejudice. Applicant "will resubmit a new request with the intention of moving forward in the Spring."
Motion made & seconded to accept request to withdraw without prejudice. Vote unanimous

Special Permit - Lane, 9 Congress Place, infill lot

Hearing opened. Atty. Watts & applicant James Lane presented plan for a 26' x 44' split-entry single-family ranch dwelling.

Discussion of placement of house. Suggestion that house should have more separation from the existing garage on parcel to the left -- a min. 15-foot side yard suggested.

Mr. Lane -- two big maples (4-foot diameter), one on each side of the lot, will stay.

Public Comment:

Leslie Little, 10 Congress Place - owns vacant infill lot across street. Supports this infill lot. Better than a multi-family.

Hearing closed. Motion made (Ms. Caron) & seconded (Ms. Maynard) to grant Special Permit subject to conditions:

- Minimum 15-foot side setback from westerly property line (to increase distance from existing garage on adjacent property).
- Minimum 4 on-site parking spaces
- General conformance with submitted plan
- Standard infill lot conditions

Vote 7-0 to grant Special Permit.

Site Plan Review - 380 Elm St., 4-family (applicants request postpone to 10-18-05)

Also needs Special Permit for the 4-family because of recent Zoning amendment; Special Permit will be heard together with Site Plan Review. Board agreed to postpone to 10-18 meeting.

Special Permit modification - 339 Broad St. mill conversion district (vet clinic)

Hearing opened. Jan Beckwith of Second Chance Fund for Animal Welfare, Inc. presented proposal to use stand alone building at 339 Broad Street (formerly metal plating shop -- not part of the mill building across the street) for a non-profit spay & neuter clinic for cats. She stated there is great need in area due to # of stray cats. There will be an outside fenced-in area to the left of building. They will take in cats & kittens if they have room. If full, they find room at other shelters.

Public Comment:

Dr. Tara Baldarelli, Twin City Animal Hospital, objected to application. She pointed out some inaccuracies in Second Chance's materials submitted & on their website. Twin Cities is willing to help provide vet care to low-income people.

Letter from Dr. Yoon, Twin City Animal Hospital, objecting to application also submitted to the Board.

Richard Gonzales, property owner, said he interviewed Ms. Beckwith at length about plans and is confident that she will run a clean operation in his building.

Jeff Jerszyk, Health Director, said permits for the clinic are issued by the state Dept. of Agriculture & Dept of Public Health, not local BOH.

Mr. Daly: Issue before Board is whether use is appropriate at that location, not specifics as to the number of cats should be allowed -- that will be handled by the state agencies.

Dr. Baldarelli: How can non-profits provide quality care?

Ms. Beckwith: Non-profits don't have to worry about profits, get good deal on supplies.

Hearing closed.

Motion made (Ms. Caron) & seconded (Ms. Maynard) to grant Special Permit subject to conditions:
Vote: 7-0 to approve Special Permit.

Special Permit - Urban Opportunities, Inc., 301-309 South St., ten townhouses

Hearing opened. Atty. Watts and applicant Christopher Cox present. Mark Piermarini, Hamwey Engineering presented plan for 10 condo units. Price range: \$265 - \$270K. Cox has done past projects in N.H.

Public Comment:

Councillor Maynard: Suggests applicant provide sidewalk from Everett Street Ext. across frontage of development all the way to Ellis St. He has spoken with abutter Valiton (unable to attend meeting) who is in favor of sidewalk.

Mr. Cox is OK with providing a sidewalk.

Abutter on left (name?) former crossing guard - South Street has 1,000 cars from 7:00 -9:00 a.m.

Ms. Caron: has talked with abutters (Valitons). Street drainage from South St. goes down the area between the parcels & runs down property. They are also concerned with setbacks and the proposed buildings & decks. Are there any plans to alleviate drainage problems?

Mark Piermarini: No, but will look at it.

Ms. Caron: applicant will need to address that

Mr. Pandiscio - owns abutting property (323 South St.) with sister -- is also concerned with drainage.

Atty. Watts: the rear bldg is a DEP-listed site - machinery leaked years ago.

Ms. Caron: any screening/landscaping planned adjacent to abutter Valiton?

Mr. Daly read letter from Dot Pennery, 43 Everett St extension, expressing concern on project.

Ken Maclean, 287 South St., opposes project -- 10 too many units - three houses is better.

Mr. DiPasquale: questioned dry wells for roof runoff.

Ms. Caron: Is off-site culvert able to handle site drainage?

Mark Piermarini: it should. An on-site detention basin is planned to handle and maintain the drainage on-site. Use of the nearby off-site culvert would be minimal in case of overflow, if any.

Abutter on Everett St Extension: Will there be any access to Everett St. Ext.? Answer: No.

Councillor Maynard: applicant should have contacted abutter Valiton & offered to buy their property.

Mr. Sarasin: will there be landscaping? There should be a mix of evergreens with irrigation.

Mike McLaughlin, ZBA made several comments.

Jeff Jerszyk, BOH director commented that PUDs benefit a developer because of increased density, but what is the benefit to City? The property owner is required to hire LSP & oversee clean-up of the site.

Several abutters stated they would rather look at townhouses than the factory.

Motion made & seconded to close hearing. Vote 6-1 in favor.

Motion made (Ms. Maynard) & seconded (Mr. Hurley) to grant Special Permit with conditions. Vote 6-1 in favor.

Conditions: (more to be determined later)

- Deed restriction - setbacks from abutting properties.
- Buffer with landscaping to adjacent residences
- Assess and improve drainage conditions on abutting properties
- Drainage/storm water plans to be revised and submitted for further review; to include eliminating South St. runoff issue on adjoining Valiton property (sidewalk installation shall not solely constitute a solution to the runoff issue); clean/repair offsite culvert at rear of property as permitted by property owner; assess and clean storm drain at South St./Everett St. Ext.
- Applicant to provide on off-site sidewalk (concrete with granite curbing) from Everett Street extension across frontage of project. Including granite curbing at development driveway entrance radiuses.
- Underground irrigation to be installed/maintained

OTHER BUSINESS

Benjamin Estates sidewalk -- Subdivision approval required applicant to install sidewalk on one side of Industrial Road from the subdivision to Rt. 2A. The area of the sidewalk has been marked out in the field. Some objections have been received from abutting properties saying the sidewalk would not be used by pedestrians, would only be used by skateboarders, would create a hazard, and would interfere with adjacent irrigation for landscaping. Board voted unanimously to retain condition requiring sidewalk. That is a better alternative than not having sidewalk and forcing pedestrians to walk on side of street through an industrial area with heavy truck/trailer use. A high school is within walking distance from the subdivision.

Meeting adjourned 10:10 p.m.

Next meeting: October 18, 2005

Approved: 10-18-05